

REMARKS/ARGUMENTS

The Office Action of February 27, 2007, has been carefully reviewed and these remarks are responsive thereto. Please note that the undersigned is the new attorney of record pursuant to the Power of Attorney filed July 26, 2007. Claims 1, 11, 12, 22, 23, 33-40, and 42-44 have been amended. Claims 1-7, 9-18, 20-29, 31-40, and 42-44 remain in this application. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

Statement of Common Ownership

Applicant's undersigned representative hereby states that the invention of the present application and the subject matter of U.S. Patent No. 6,421,067 to Kamen *et al.* ("Kamen") were, at the time the present invention was made, owned by or subject to an obligation of assignment to iSurfTV Corporation.

Rejection Under 35 U.S.C. § 112

Claims 1, 11, 12, 22, 23, 33, 34, and 44 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the claims stand rejected for having recited subject matter related to "internal and external planes." Although Applicant does not agree with the Office Action's rejection, in an effort to expedite prosecution, Applicant has amended the referenced claims to present the subject matter in a more preferred form. The amendments made are supported by at least Figure 2 of the drawings (e.g., elements 102, 103 and 104). The rejection is thus rendered moot.

Rejection Under 35 U.S.C. § 101

Claims 34-40 and 42-44 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Applicant has amended independent claim 34 to recite a computer readable medium, thus rendering this rejection moot. The rejection as applied to dependent claims 35-40 and 42-44 are also rendered moot by virtue of their dependence on claim 34, and the corresponding amendment made to each of claims 35-40 and 42-44.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-7, 9-12, 14-18, 20-23, 25-29, 31-34, 36-40, and 42-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,094,237 to Hashimoto (“Hashimoto”) in view of Kamen. Applicant respectfully traverses this rejection.

The above Statement of Common Ownership removes Kamen as an applicable reference for a rejection under 35 U.S.C. § 103(a), and thus, these rejections are respectfully traversed for at least this reason. Without Kamen, the Office Action concedes that Hashimoto is deficient in meeting the features of the rejected claims. p. 3, para. 7. Thus, notwithstanding whether the Office Action’s characterization of the references is valid or whether the asserted combination is proper, claims 1, 3-7, 9-12, 14-18, 20-23, 25-29, 31-34, 36-40 and 42-44 are allowable for at least these reasons.

Claims 2, 13, 24, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto, in view of Kamen, and in further view of U.S. Patent No. 6,043,825 to Glenn *et al.* (“Glenn”). Applicant respectfully traverses this rejection.

As discussed, the above Statement of Common Ownership removes Kamen as an applicable reference for rejection under 35 U.S.C. § 103(a). Neither Hashimoto nor Glenn, either separately or in combination, teaches or suggests the features of claims 2, 13, 24 and 35 that were allegedly disclosed by Kamen. Thus, notwithstanding whether the Office Action’s characterization of the references is valid or whether the asserted combination is proper, claims 2, 13, 24 and 35 are allowable for at least these reasons.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. If any additional fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicant looks forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,

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